

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HERMAN BURTON,)	
)	Civil Action No. 13 – 1191
Plaintiff,)	
)	District Judge Mark R. Hornak
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
DEPUTY ERIC ARMEL and LT.)	
CRAYTON,)	
)	
Defendants.)	

MEMORANDUM ORDER

Before the Court is the Report and Recommendation of Chief Magistrate Judge Lenihan who has recommended that this action be dismissed for Plaintiff's failure to follow the Court's Order dated September 17, 2013, requiring him to pay an initial partial filing fee of \$37.00. In her Report, she notes that Plaintiff has also failed to respond to the Court's Order dated November 5, 2013, to show cause why this case should not be dismissed for his failure to pay the required fee. Plaintiff was served with the Report and Recommendation and informed that he had until December 20, 2013, to file written objections. As of the date of this Order, Plaintiff has neither filed objections nor paid any portion of the filing fee. In fact, the Court has not received any correspondence from Plaintiff since September 5, 2013, when he submitted his prisoner trust fund account statement shortly after initiating this action. It appears as though Plaintiff has no interest in pursuing this matter any further. Therefore, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

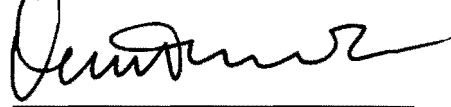
AND NOW, this 23RD day of December, 2013,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 8) is **ADOPTED** as the opinion of the Court.

AND IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

By the Court:

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak
United States District Judge

cc: Herman Burton
KU1265
PO Box 9999
LaBelle, PA 15450
(Via First Class Mail)